

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Plaintiff,

MEMORANDUM

07-C-500-C

v.

ELLA SCHREIBER, NERIMAN
SCHREIBER, CLAIRE SCHREIBER
and ROBERT SCHREIBER,

Defendants.

In this case, the defendants dispute who is entitled to the proceeds of a life insurance policy worth \$110,693.22 issued by plaintiff American General Life Insurance Company. In accordance with this court's order of October 26, 2007, as amended in an order entered on November 2, 2007, plaintiff has submitted affidavits establishing that at least two of the defendants are citizens of different states. Therefore, I am satisfied that diversity jurisdiction exists in this case.

Two other matters require comment. First, plaintiff has filed a waiver of service of a summons form for each of the four defendants. Two of the four, Claire Schreiber and Ella Schreiber, have filed answers to the complaint. However, neither of these defendants has

advised the court that they have served their answer on the lawyer for the plaintiff, Cinthia Motley, or the other defendants, as Rule 5 of the Federal Rules of Civil Procedure requires. (The record shows that defendant Ella Schreiber is represented by a lawyer. When a party is represented by a lawyer, copies should be sent directly to the lawyer and not the represented party.) Therefore, the court will be unable to consider the answers filed by Claire and Ella Schreiber at this time. These parties must submit a certificate of mailing or send a letter to the court stating that she mailed a copy of her answer to the other parties or to their lawyers.

Second, for the parties' information, defendants Neriman and Robert Schreiber have until the end of November to file their answers with the court and serve copies of the answers on the other parties or their lawyers. As soon as all of the defendants have filed their answers, a preliminary pretrial conference will be scheduled to take place by telephone before United States Magistrate Judge Stephen Crocker. For the information of those defendants who may be proceeding without a lawyer, it is the purpose of the conference to allow the parties an opportunity to ask questions they may have about court procedure and

to fix a schedule agreeable to the parties for moving this case to resolution.

Entered this 14th day of November, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge